

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 808**

Introduced by Appropriations Committee: Wehrbein, 2, Chairperson;  
Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D.  
Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14

Read first time March 5, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to courts; to amend sections 33-138, 42-720,  
2 and 48-191, Reissue Revised Statutes of Nebraska, and  
3 sections 25-21,223, 25-2221, 49-1203, 76-1442, and  
4 83-4,125, Revised Statutes Supplement, 2002; to authorize  
5 the Chief Justice of the Supreme Court to close courts on  
6 certain days; to harmonize provisions; and to repeal the  
7 original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 25-2221, Revised Statutes Supplement,  
2   2002, is amended to read:

3           25-2221. Except as may be otherwise more specifically  
4   provided, the period of time within which an act is to be done in  
5   any action or proceeding shall be computed by excluding the day of  
6   the act, event, or default after which the designated period of  
7   time begins to run. The last day of the period so computed shall  
8   be included unless it is a Saturday, a Sunday, or a day during  
9   which the offices of courts of record may be legally closed as  
10   provided in this section, in which event the period shall run until  
11   the end of the next day on which the office will be open.

12           All courts and their offices may be closed on Saturdays,  
13   Sundays, days on which a court is closed by order of the Chief  
14   Justice of the Supreme Court, and these holidays: New Year's Day,  
15   January 1; Birthday of Martin Luther King, Jr., the third Monday in  
16   January; President's Day, the third Monday in February; Arbor Day,  
17   the last Friday in April; Memorial Day, the last Monday in May;  
18   Independence Day, July 4; Labor Day, the first Monday in September;  
19   Columbus Day, the second Monday in October; Veterans Day, November  
20   11; Thanksgiving Day, the fourth Thursday in November; the day  
21   after Thanksgiving; Christmas Day, December 25; and all days  
22   declared by law or proclamation of the Governor to be holidays. If  
23   any such holiday falls on Sunday, the following Monday shall be a  
24   holiday. If any such holiday falls on Saturday, the preceding  
25   Friday shall be a holiday. Court offices shall be open on all  
26   other days. If the date designated by the state for observance of  
27   any legal holiday pursuant to this section, except Veterans Day, is  
28   different from the date of observance of such holiday pursuant to a

1 federal holiday schedule, the federal holiday schedule shall be  
2 observed.

3 Sec. 2. Section 25-21,223, Revised Statutes Supplement,  
4 2002, is amended to read:

5 25-21,223. The summons shall be issued and directed with  
6 a copy of the complaint attached to the summons, shall state the  
7 cause of the complaint, the time and place of trial of the action  
8 for possession, and the answer day for other causes of action, and  
9 shall notify the defendant that if he or she fails to appear  
10 judgment shall be entered against him or her. The summons may be  
11 served and returned as in other cases or by any person, except that  
12 the summons shall be served within three days, excluding ~~Saturdays,~~  
13 ~~Sundays,~~ and ~~holidays~~ nonjudicial days, from the date of its  
14 issuance and shall be returnable within five days, excluding  
15 ~~Saturdays, Sundays, and holidays~~ nonjudicial days, from the date of  
16 its issuance. The person making the service shall file with the  
17 court an affidavit stating with particularity the manner in which  
18 he or she made the service. Trial of the action for possession  
19 shall be held not less than ten nor more than fourteen days after  
20 the date of issuance of the summons.

21 Sec. 3. Section 33-138, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 33-138. (1) Each member of a grand or petit jury in a  
24 district court or county court shall receive for his or her  
25 services thirty dollars for each day employed in the discharge of  
26 his or her duties prior to January 1, 1994, and thirty-five dollars  
27 for each such day on or after such date and mileage at the rate  
28 provided in section 81-1176 for each mile necessarily traveled. No

1 juror shall be entitled to pay for the days he or she is  
2 voluntarily absent or excused from service by order of the court.  
3 No juror shall be entitled to pay for ~~Saturdays or holidays~~  
4 nonjudicial days unless actually employed in the discharge of his  
5 or her duties as a juror on such days.

6 (2) In the event that any temporary release from service,  
7 other than that obtained by the request of a juror, shall occasion  
8 an extra trip or trips to and from the residence of any juror or  
9 jurors the court may, by special order, allow mileage for such  
10 extra trip or trips.

11 (3) Payment of jurors for service in the district and  
12 county courts shall be made by the county.

13 Sec. 4. Section 42-720, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 42-720. (a) A support enforcement agency of this state,  
16 upon request, shall provide services to a petitioner in a  
17 proceeding under the Uniform Interstate Family Support Act.

18 (b) A support enforcement agency that is providing  
19 services to the petitioner as appropriate shall:

20 (1) take all steps necessary to enable an appropriate  
21 tribunal in this state or another state to obtain jurisdiction over  
22 the respondent;

23 (2) request an appropriate tribunal to set a date, time,  
24 and place for a hearing;

25 (3) make a reasonable effort to obtain all relevant  
26 information, including information as to income and property of the  
27 parties;

28 (4) within five days, exclusive of ~~Saturdays, Sundays,~~

1 ~~and legal holidays~~ nonjudicial days, after receipt of a written  
2 notice from an initiating, responding, or registering tribunal,  
3 send a copy of the notice to the petitioner;

4 (5) within five days, exclusive of ~~Saturdays, Sundays,~~  
5 ~~and legal holidays~~ nonjudicial days, after receipt of a written  
6 communication from the respondent or the respondent's attorney,  
7 send a copy of the communication to the petitioner; and

8 (6) notify the petitioner if jurisdiction over the  
9 respondent cannot be obtained.

10 (c) The act does not create or negate a relationship of  
11 attorney and client or other fiduciary relationship between a  
12 support enforcement agency or the attorney for the agency and the  
13 individual being assisted by the agency.

14 Sec. 5. Section 48-191, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 48-191. Notwithstanding any more general or special law  
17 respecting the subject matter hereof, whenever the last day of the  
18 period within which a party to an action may file any paper or  
19 pleading with the Nebraska Workers' Compensation Court, or take any  
20 other action with respect to a claim for compensation, falls on a  
21 Saturday, a Sunday, any day on which the compensation court is  
22 closed by order of the Chief Justice of the Supreme Court, or on  
23 any day declared by statutory enactment or proclamation of the  
24 Governor to be a holiday, the next following day, which is not a  
25 Saturday, a Sunday, a day on which the compensation court is closed  
26 by order of the Chief Justice of the Supreme Court, or a day  
27 declared by such enactment or proclamation to be a holiday, shall  
28 be deemed to be the last day for filing any such paper or pleading

1 or taking any such other action with respect to a claim for  
2 compensation.

3 Sec. 6. Section 49-1203, Revised Statutes Supplement,  
4 2002, is amended to read:

5 49-1203. If the date for filing any report, claim, tax  
6 return, tax valuation, equalization, or exemption protest, or tax  
7 form, petition, appeal, or statement, or for making any payment,  
8 referred to in section 49-1201, falls upon a Saturday, Sunday,  
9 nonjudicial day, or legal holiday, such filing or payment shall be  
10 considered timely if performed in person or postmarked on the next  
11 business day.

12 Sec. 7. Section 76-1442, Revised Statutes Supplement,  
13 2002, is amended to read:

14 76-1442. The summons shall be issued and directed, with  
15 a copy of the complaint attached thereto, and shall state the cause  
16 of the complaint, the time and place of trial of the action for  
17 possession, answer day for other causes of action, and notice that  
18 if the defendant fails to appear judgment shall be entered against  
19 him or her. The summons may be served and returned as in other  
20 cases or by any person, except that the summons shall be served  
21 within three days, excluding ~~Saturdays, Sundays, and holidays~~  
22 nonjudicial days, from the date of issuance and shall be returnable  
23 within five days, excluding ~~Saturdays, Sundays, and holidays~~  
24 nonjudicial days, from the date of issuance. The person making the  
25 service shall file with the court an affidavit stating with  
26 particularity the manner in which he or she made the service. If  
27 diligent efforts have been made to serve the summons in the manner  
28 provided in sections 25-505.01 to 25-516.01 but such efforts were

1 unsuccessful, the summons may be served in the manner provided in  
2 section 76-1442.01.

3 Sec. 8. Section 83-4,125, Revised Statutes Supplement,  
4 2002, is amended to read:

5 83-4,125. For purposes of sections 83-4,124 to 83-4,134:

6 (1) Criminal detention facility shall mean any  
7 institution operated by a political subdivision or a combination of  
8 political subdivisions for the careful keeping or rehabilitative  
9 needs of adult or juvenile criminal offenders or those persons  
10 being detained while awaiting disposition of charges against them.  
11 Criminal detention facility shall not include any institution  
12 operated by the Department of Correctional Services. Criminal  
13 detention facilities shall be classified as follows:

14 (a) Type I Facilities shall mean criminal detention  
15 facilities used for the detention of persons for not more than  
16 twenty-four hours, excluding ~~holidays and weekends~~ nonjudicial  
17 days;

18 (b) Type II Facilities shall mean criminal detention  
19 facilities used for the detention of persons for not more than  
20 ninety-six hours, excluding ~~holidays and weekends~~ nonjudicial days;  
21 and

22 (c) Type III Facilities shall mean criminal detention  
23 facilities used for the detention of persons beyond ninety-six  
24 hours; and

25 (2) Juvenile detention facility shall mean an institution  
26 operated by a political subdivision or political subdivisions for  
27 the secure detention and treatment of persons younger than eighteen  
28 years of age, including persons under the jurisdiction of a

1 juvenile court, who are serving a sentence pursuant to a conviction  
2 in a county or district court or who are detained while waiting  
3 disposition of charges against them. Juvenile detention facility  
4 shall not include any institution operated by the department.

5           Sec. 9.     Original sections 33-138, 42-720, and 48-191,  
6 Reissue Revised Statutes of Nebraska, and sections 25-21,223,  
7 25-2221, 49-1203, 76-1442, and 83-4,125, Revised Statutes  
8 Supplement, 2002, are repealed.